

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JORDASH TANKSLEY,)
Petitioner,)
v.) CV 123-029
INTERIM WARDEN J. KEVIN PERRY,)
Respondent.)

O R D E R

Petitioner, imprisoned at Augusta State Medical Prison in Grovetown, Georgia, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 10, 2024, the Magistrate Judge entered a Report and Recommendation (“R&R”) recommending denial of Petitioner’s amended § 2254 petition. (Doc. no. 36.) The Court also instructed Plaintiff any objections to the R&R had to be filed no later than May 28, 2024. (Doc. no. 37.) Having received no objections to the R&R by the deadline, the Court adopted the R&R as its opinion on June 11, 2024. (Doc. no. 38.) On June 18, 2024, the Court received Petitioner’s objections, which Petitioner signed on May 20, 2024. (Doc. no. 40.) Thus, the Court **VACATES** the Adoption Order and Judgment entered on June 11, 2024. (Doc. nos. 38-39.)

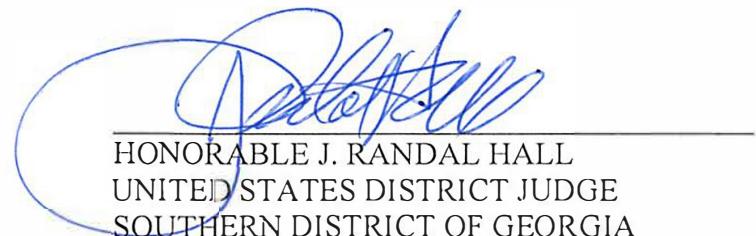
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s R&R, to which objections have been filed. (Doc. no. 40.) The Court finds Petitioner’s objections unavailing. Accordingly, the Court **OVERRULES** Petitioner’s objections,

ADOPTS the Report and Recommendation of the Magistrate Judge as its opinion, and **DENIES** the instant petition, brought pursuant to 28 U.S.C. § 2254.

Further, a prisoner seeking relief under § 2254 must obtain a certificate of appealability (“COA”) before appealing the denial of his application for a writ of habeas corpus. This Court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rule 11(a) to the Rules Governing Section 2254 Proceedings. This Court should grant a COA only if the prisoner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in Slack v. McDaniel, 529 U.S. 473, 482-84 (2000), Petitioner has failed to make the requisite showing. Accordingly, the Court **DENIES** a COA in this case.¹ Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith, and Petitioner is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

Upon the foregoing, the Court **CLOSES** this civil action and **DIRECTS** the Clerk to enter a final judgment in favor of Respondent.

SO ORDERED this 18th day of June, 2024, at Augusta, Georgia.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ “If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.” Rule 11(a) to the Rules Governing Section 2254 Proceedings.